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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-909**

11 **RYAN JAMES DEMARCHI**

12 6080 Red Winesap Way
13 Dublin, OH 43016

A C C U S A T I O N

14 Registered Nurse License No. 627553

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 6, 2003, the Board of Registered Nursing issued Registered
23 Nurse License Number 627553 to Ryan James Demarchi ("Respondent"). The Registered Nurse
24 License expired on February 28, 2007, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
5 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
6 disciplinary action during the period within which the license may be renewed, restored, reissued
7 or reinstated.

8 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
11 provides, in pertinent part, that the Board may renew an expired license at any time within eight
12 years after the expiration.

13 7. California Code of Regulations, title 16, section 1419.3 provides:

14 “In the event a licensee does not renew his/her license as provided in
15 Section 2811 of the code, the license expires. A licensee renewing pursuant to this
16 section shall furnish a full set of fingerprints as required by and set out in section
1419(b) as a condition of renewal.

17 (a) A licensee may renew a license that has not been expired for more
18 than eight years by paying the renewal and penalty fees as specified in Section 1417
and providing evidence of 30 hours of continuing education taken within the prior
two-year period.

19 (b) A licensee may renew a license that has been expired for more than
20 eight years by paying the renewal and penalty fees specified in Section 1417 and
21 providing evidence that he or she holds a current valid active and clear registered
nurse license in another state, a United States territory, or Canada, or by passing the
Board's current examination for licensure.”

22 8. Section 2761 of the Code states in pertinent part:

23 “The board may take disciplinary action against a certified or licensed
24 nurse or deny an application for a certificate or license for any of the following:

25 (a) Unprofessional conduct, which includes, but is not limited to, the
26 following:

26 ...

27 (4) Denial of licensure, revocation, suspension, restriction, or any other
28 disciplinary action against a health care professional license or certificate by another
state or territory of the United States, by any other government agency, or by another

1 California health care professional licensing board. A certified copy of the decision
2 or judgment shall be conclusive evidence of that action.

3 ...
4 (d) Violating or attempting to violate, directly or indirectly, or assisting in
5 or abetting the violating of, or conspiring to violate any provision or term of this
6 chapter or regulations adopted pursuant to it."

7 **COST RECOVERY**

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Disciplinary Action by Other Jurisdiction)**

16 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
17 the Code in that Respondent was disciplined by the Ohio Board of Nursing ("Ohio Board") and
18 by the North Carolina Board of Nursing ("North Carolina Board"), as follows:

19 11. On or about July 18, 2008, the Ohio Board entered an order suspending Respondent's
20 license for an indefinite period of time but not less than one (1) year with specific conditions for
21 reinstatement in the disciplinary matter entitled *In the Matter of Ryan Demarchi, R.N., Order*
22 *1618, Case No. 07-2393*. The circumstances underlying the disciplinary action by the Ohio
23 Board are that on or about July 17, 2007, Respondent submitted a resignation in lieu of
24 termination from The Ohio State University Medical Center. Respondent admitted to falsifying
25 time sheets in the amount of 900 plus hours, an estimated value exceeding \$26,000.00.

26 12. On or about October 22, 2008, the North Carolina Board issued a Summary Action
27 Order, in the disciplinary matter entitled *In the Matter Involving Ryan James Demarchi*
28 *Registered Nurse Certificate # 178608*, suspending Respondent's registered nurse license in that
state. The disciplinary action by the North Carolina Board was based upon the conduct described
in paragraph 11 above, inclusive and hereby incorporated by reference.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 13. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
4 Code on the grounds of unprofessional conduct in that Respondent falsified time sheets in the
5 amount of 900 plus hours, an estimated value exceeding \$26,000.00. The conduct is described in
6 more particularity in paragraph 11 above, inclusive and hereby incorporated by reference.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Violation of Nursing Practice Act)**

9 14. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
10 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
11 described in more particularity in paragraphs 10 through 13 above, inclusive and hereby
12 incorporated by reference.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 627553, issued to Ryan
17 James Demarchi;

18 2. Ordering Ryan James Demarchi to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.
22

23 DATED: April 15, 2013

24 *for* LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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